

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

CIVIL ACTION NO. 04-11934-GAO

NOAH GREENBERG)
Plaintiff)
)
v.)
)
TOWN OF FALMOUTH,)
AND GANNETT)
FLEMING, INC.,)
Defendants)

**DEFENDANT GANNETT FLEMING’S OBJECTION TO THE TOWN’S
PRE-TRIAL DISCLOSURES**

Now comes defendant and cross-plaintiff Gannett Fleming Engineers and Architects, PC (“Gannett” or “Gannett Fleming”),¹ through its counsel of record, hereby submits the following objections to the pre-trial disclosures of proposed trial exhibits by defendant the Town of Falmouth (“the Town”), pursuant to Fed. Rule of Civil Procedure 26(a)(3). As an initial matter, defendant Gannett Fleming objects generally to any proposed exhibit that cannot be authenticated, where the author is unidentified, that is incomplete or that contains redactions. Without waiving this general objection, Gannett Fleming objects specifically to the following proposed exhibits:

GANNETT FLEMING’S OBJECTIONS

3. The Town identifies a 1/20/94 Memo from William Owen to Peter Boyer “regarding Architectural Consultant Services.” Neither Gannett Fleming nor its counsel is

¹ The named Defendant in this case is Gannett Fleming, Inc. However, the contract between Gannett and the Town of Falmouth was with Gannett Fleming Engineers and Architects, PC, and that is the corporate entity that performed the design services on the subject job. Thus, Gannett Fleming, Inc. is a misnomer.

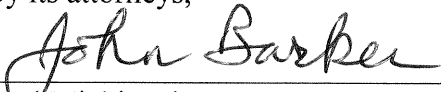
familiar with this memo. Gannett Fleming therefore objects on the grounds that the memo has not been timely produced, and reserves its right to object on other grounds, such as hearsay, relevance, or undue prejudice.

16. The Town indicates its intention to introduce its job description of the DPW Director. Gannett Fleming has not seen this job description, and objects on this ground. Gannett Fleming also reserves its right to object on other grounds to this proposed exhibit.

The Defendant,
GANNETT FLEMING, INC.

By its attorneys,

Dated: 5/22/06

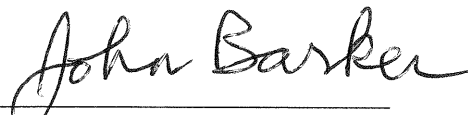

Paul Michienzie, Esq. – BBO #548701
John C. Barker, Esq. – BBO #637406
Michienzie & Sawin LLC
745 Boylston Street, 5th Floor
Boston, MA 02116-2636
Tel. 617-227-5660

CERTIFICATE OF SERVICE

I, John C. Barker, attorney for defendant, hereby certify that I have on this ²²~~21~~ day of May 2006, served a copy of the foregoing Defendant Gannett Fleming's Objection to the Town's Pretrial Disclosures on all counsel of record U.S. Postage prepaid and via electronically mailed with the Court:

Richard M. Russell, Esq.
Heritage Place Condominium
205 Worcester Court, Unit B2
Falmouth, MA 02540

Daniel G. Skrip, Esq.
Pierce, Davis & Perritano, LLP
Ten Winthrop Square
Boston, MA 02110-1257


John C. Barker